

# **State of Alaska FY2008 Governor's Operating Budget**

## **Department of Law Criminal Division Results Delivery Unit Budget Summary**

## Criminal Division Results Delivery Unit

### Contribution to Department's Mission

The mission of the Criminal Division is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska, by upholding those convictions on appeal, and by providing legal services that support the efforts of criminal justice agencies.

### Core Services

1. The Criminal Division protects the public by prosecuting all violations of state criminal law committed by adults and juveniles, and by placing them under appropriate controls.
2. The Criminal Division provides focused and specialized prosecution in the following areas:
  - a. narcotics prosecution (partially funded by the Department of Public Safety through a federal grant)
  - b. environmental crime (funded by the Department of Environmental Conservation)
  - c. child support enforcement (funded by the Department of Revenue)
  - d. welfare fraud (funded by the Department of Health and Social Services with federal funds)
  - e. Medicaid provider fraud (federally-funded grant to the Department of Law)
  - f. selected fish and game prosecution (general fund)
  - g. alcohol interdiction in rural Alaska (funded by the Department of public safety through a federal grant)
  - h. gun violence crime (federally-funded grant)
  - i. prosecution of "cold case" homicides (general fund)
  - j. domestic violence and sexual assault (federally funded)
  - k. white collar and other special prosecution (general fund)
  - l. permanent fund dividend fraud (funded by the Department of Revenue)
3. The Criminal Division provides assistance to victims and witnesses of crimes such as preparation for testimony in court, travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crime compensation procedures. The Division also ensures that victims are kept informed of important events in their cases and that their constitutional and statutory rights are protected.
4. The Criminal Division supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction, by litigating all criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. In addition, the Criminal Division also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, DNA databank and victims' rights.
5. The Criminal Division provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice activities, as well as legal representation for the Alcohol Beverage Control Board. These legal services consist of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The Criminal Division also provides general legal services to the Division of Juvenile Justice within the Department of Health and Social Services. The Criminal Division also provides advice to the legislature and the Governor's office on criminal justice matters.

End Results	Strategies to Achieve Results
<b>A: Improve Public Safety Against Serious Assault</b> Target #1: Reduce the number of violent felony crimes	<b>A1: Improving Public Safety &amp; Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies</b>

<p>reported in Alaska by 5%</p> <p><u>Measure #1:</u> % change in the number of violent felony crimes reported each year per 100,000 population</p>	<p><u>Target #1:</u> 50% of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Measure #1:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Target #2:</u> 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed</p> <p><u>Measure #2:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed</p> <p><b>A2: Improving Public Safety &amp; Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults</b></p> <p><u>Target #1:</u> 70% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense or dismissal</p> <p><u>Measure #1:</u> % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced or dismissed</p>
End Results	Strategies to Achieve Results
<p><b>B: Enhance the Welfare of Children</b></p> <p><u>Target #1:</u> Reduce the number of reports of child sexual abuse by 5%</p> <p><u>Measure #1:</u> Percentage change in the number of child sexual abuse cases reported each year per 100,000 population</p>	<p><b>B1: Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children</b></p> <p><u>Target #1:</u> 75% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Measure #1:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Target #2:</u> 40% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed</p> <p><u>Measure #2:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed</p>
End Results	Strategies to Achieve Results
<p><b>C: Enhance The Protection of Victims of Crimes and Delinquent Acts</b></p> <p><u>Target #1:</u> Reduce to zero the number of substantiated complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social</p>	<p><b>C1: Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies</b></p> <p><u>Target #1:</u> 40% of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Measure #1:</u> % of property felony crimes accepted for</p>

<p>Services, or the Office of the Governor</p> <p><b>Measure #1:</b> The number of substantiated complaints submitted by victims to the offices designated above</p>	<p>prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><b>Target #2:</b> 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed</p> <p><b>Measure #2:</b> % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p><b>C2: Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims</b></p> <p><b>Target #1:</b> : Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year</p> <p><b>Measure #1:</b> Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues</p> <p><b>Target #2:</b> Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year</p> <p><b>Measure #2:</b> Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues</p>
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### FY2008 Resources Allocated to Achieve Results

FY2008 Results Delivery Unit Budget: \$28,531,600

**Personnel:**

Full time	233
Part time	1
<b>Total</b>	<b>234</b>

### Performance Measure Detail

#### A: Result - Improve Public Safety Against Serious Assault

**Target #1:** Reduce the number of violent felony crimes reported in Alaska by 5%

**Measure #1:** % change in the number of violent felony crimes reported each year per 100,000 population

## A1: Strategy - Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies

**Target #1:** 50% of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

**Measure #1:** % of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

### Violent Felony Convictions

Year	YTD Total	Target	Variance
2002	45%	50%	5%
2003	44%	50%	6%
2004	37%	50%	13%
2005	30%	50%	20%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2004. Even so, at the end of 2005 10-15% of felony cases in 2004 were still pending in the courts, so it is probable the percentages will change 1-2% when all cases are resolved. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets. At the end of 2005, 246, or 15.8% of the total violent felony crimes were still pending.

**Target #2:** 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

**Measure #2:** % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

Year	YTD Total	Target	Variance
2002	21%	25%	4%
2003	23%	25%	2%
2004	19%	25%	6%
2005	14.6%	25%	10.4%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005. At the end of 2005, 246 or 15.8% of felony cases were still pending. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

## A2: Strategy - Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults

**Target #1:** 70% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense or dismissal

**Measure #1:** % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced or dismissed

Year	YTD Total	Target	Variance
2002	66%	70%	4%
2003	64%	70%	6%
2004	60%	70%	10%
2005	56%	70%	14%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005. Even so, at the end of 2005 3% of misdemeanor DV cases in 2004 were still pending in the courts. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

**B: Result - Enhance the Welfare of Children**

**Target #1:** Reduce the number of reports of child sexual abuse by 5%

**Measure #1:** Percentage change in the number of child sexual abuse cases reported each year per 100,000 population

**B1: Strategy - Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children**

**Target #1:** 75% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

**Measure #1:** % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Year	YTD Total	Target	Variance
2002	70%	75%	5%
2003	65%	75%	10%
2004	60%	75%	15%
2005	49%	75%	26%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005. Even so, at the end of 2005 28 or 16% of the cases were still pending. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

**Target #2:** 40% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

**Measure #2:** % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed

**Child Sexual Abuse Felony Conviction**

Year	YTD Total	Target	Variance
2002	28%	40%	12%
2003	27%	40%	13%
2004	32%	40%	8%
2005	15%	40%	25%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

**C: Result - Enhance The Protection of Victims of Crimes and Delinquent Acts**

**Target #1:** Reduce to zero the number of substantiated complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor

**Measure #1:** The number of substantiated complaints submitted by victims to the offices designated above

## C1: Strategy - Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies

**Target #1:** 40% of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

**Measure #1:** % of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

### Felony Property Crimes

Year	YTD Total	Target	Variance
2002	39%	40%	1%
2003	32%	40%	8%
2004	37%	40%	3%
2005	31%	40%	9%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005. Even so, at the end of 2005 10-15% of felony cases in 2004 were still pending in the courts, so it is probable the percentages will change 1-2% when all cases are resolved. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

**Target #2:** 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed

**Measure #2:** % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

Year	YTD Total	Target	Variance
2002	33%	35%	2%
2003	27%	35%	8%
2004	32%	35%	3%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2004. Even so, at the end of 2005 10-15% of felony cases in 2004 were still pending in the courts, so it is probable the percentages will change 1-2% when all cases are resolved. In 2003 and 2004 there were a significant number of prosecutor positions unfilled, and the hiring and retention of qualified prosecutors, as well as constantly increasing caseloads, are the primary challenges we face in meeting our targets.

## C2: Strategy - Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims

**Target #1:** Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year

**Measure #1:** Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues

### Paralegal Training in General Victim Issues

Year	YTD Total	Target
2004	14	24
2005	23	24
	+64.29%	0%
2006	28	28
	+21.74%	+16.67%

**Analysis of results and challenges:** All paralegals attended training in calendar year 2004 and 2005.

**Target #2:** Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year

**Measure #2:** Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues

#### Paralegal Assistants Specialized Yearly Training

Year	YTD Total	Target	Variance
2005	8	8	0

*In 2005, all paralegals also attended 10 monthly teleconferences that included topics on: Special characteristics of victims of domestic violence and sexual assault and victims responses to acute crisis. Alaska Tribal presented training on: domestic violence and the recovering victim, children who are in-home and witness domestic violence, and effects of domestic violence on children. The Violent Crimes Compensation Board presented training on how to help crime victims. The Sexual Assault Response Team provided training on healing from trauma.*

## Key RDU Challenges

### Challenge No. 1: How to Respond to Increasing Litigation Costs and Demands

Law is requesting \$345,800 in general funds to pay for increased costs in the areas of travel and leased space. With the support of the Governor and the Legislature, the criminal division has added positions in order to respond to the increased demand for prosecution services. These new positions have been both general funded positions and grant or Reimbursable Services Agreement (RSA) funded positions. The expansion of the criminal division, coupled with the increase in costs generally, has led to gaps in our budget. Specifically, travel expenses have sky rocketed due to fuel increases. At the same time, we are prosecuting "cold cases" which often involve numerous out of state witnesses, so our witness travel needs are also increasing. We have a \$195,800 shortfall in our travel budget which if it is not filled, will require that more cases be settled since we will not be able to afford to litigate them. The division's expansion has also led to the need for additional lease space; we currently have a \$150,000 shortfall in that area.

### Challenge No. 2: How to Attract and Retain Qualified Attorneys as State Prosecutors

Attracting attorneys willing to serve the public as state prosecutors in both urban and rural Alaska is a continuing challenge. The high caseload is only one of the factors that contribute to high attorney turnover and makes private practice more attractive to both entry-level but especially, experienced attorneys. Attracting qualified attorneys to rural locations such as Bethel, Kotzebue and Barrow has long been a challenge; but we are also experiencing difficulties with recruiting and retaining attorneys in our urban locations. Uncompetitive salaries are a factor that needs to be addressed in the Department of Law. We often find that law school graduates can't afford to pay for their student loans and also support themselves and their families on the wages Law offers freshman attorneys. We are working toward a solution that would involve increasing salaries but at this point, do not have enough information to propose a new salary scheme and request funding for it. Retaining and attracting qualified attorneys has a direct relationship with achieving all of our performance measures, since without qualified competent staff, progress is impossible.

One issue that continues to be a dissatisfier for attorneys and support staff alike, is the financial burden placed on Anchorage Department of Law employees who must pay a significant portion of the cost of parking. The Department of Law is the only state agency in Anchorage that does not fully subsidize parking for its employees. We currently estimate that an additional \$72,300 in general funds would need to be appropriated to fully fund the Criminal Division share of Anchorage employee parking.

## Significant Changes in Results to be Delivered in FY2008

Changes in results delivered are available in the Missions and Measures portion of the budget.

## Major RDU Accomplishments in 2006

1. Passage of Significant Criminal Legislation



The Criminal Division worked closely with the Governor's office and the legislature to pass significant criminal legislation in 2006. Chief among these was the legislation passed in the areas of sex offenders and narcotics. SB 218 significantly increased penalties for all sex offenses, especially those committed against young children. HB 149 addressed the problem of meth and marijuana. Passage of that bill has allowed the State to challenge court rulings which have significantly impacted law enforcement's ability to get search warrants for marijuana grow operations.

There was additional criminal justice legislation that was passed during the 2006 session in which the criminal division provided testimony and assistance. Included was legislation which addressed violence on school grounds. Other bills addressed therapeutic courts, alcohol interdiction, bail issues and the crime of harassment.

## 2. Implementation of the Rural Prosecution Unit

Both the Governor and the Attorney General have made priorities of enhancing our prosecution efforts in rural Alaska. In support of this priority, the Department of Law requested, and was awarded a federal appropriation from the Department of Justice to fund the effort. The program became fully implemented in 2006. The "Rural Prosecution Unit" is located in the Office of Special Prosecutions and Appeals (OSPA). The unit is fully staffed with three attorneys, one paralegal and a law office assistant. The impact of this unit is already being felt, particularly in our Bethel and Barrow office. The unit is allowing us to aggressively prosecute crime in rural Alaska, particularly alcohol fueled crime. We hope that with the increased prosecution efforts, we will ultimately reduce the level of crime in our rural communities.

### Contact Information

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**Criminal Division**  
**RDU Financial Summary by Component**

*All dollars shown in thousands*

	FY2006 Actuals				FY2007 Management Plan				FY2008 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<b>Formula</b>												
<b>Expenditures</b>												
None.												
<b>Non-Formula</b>												
<b>Expenditures</b>												
First Judicial District	1,636.9	0.0	11.0	1,647.9	1,712.7	0.0	182.8	1,895.5	1,991.5	0.0	182.8	2,174.3
Second Judicial District	1,214.9	0.0	0.0	1,214.9	1,285.3	87.7	0.0	1,373.0	1,467.2	102.0	0.0	1,569.2
Third Judicial: Anchorage	4,987.0	98.6	494.3	5,579.9	5,501.6	490.2	317.6	6,309.4	6,213.4	535.1	318.1	7,066.6
Third JD: Outside Anchorage	3,612.2	180.7	107.8	3,900.7	3,592.8	639.1	160.0	4,391.9	4,231.9	692.1	160.2	5,084.2
Fourth Judicial District	3,968.6	210.3	243.8	4,422.7	4,200.9	0.0	300.0	4,500.9	4,818.6	0.0	300.0	5,118.6
Criminal Justice Litigation	1,118.3	0.0	398.2	1,516.5	1,344.2	0.0	356.2	1,700.4	1,592.7	0.0	356.5	1,949.2
Criminal Appeals/Special Lit	2,524.5	657.8	750.3	3,932.6	2,756.1	1,416.7	658.4	4,831.2	3,348.0	1,562.3	659.2	5,569.5
<b>Totals</b>	<b>19,062.4</b>	<b>1,147.4</b>	<b>2,005.4</b>	<b>22,215.2</b>	<b>20,393.6</b>	<b>2,633.7</b>	<b>1,975.0</b>	<b>25,002.3</b>	<b>23,663.3</b>	<b>2,891.5</b>	<b>1,976.8</b>	<b>28,531.6</b>

**Criminal Division**  
**Summary of RDU Budget Changes by Component**  
**From FY2007 Management Plan to FY2008 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2007 Management Plan</b>	<b>20,393.6</b>	<b>2,633.7</b>	<b>1,975.0</b>	<b>25,002.3</b>
<b>Adjustments which will continue current level of service:</b>				
-First Judicial District	1.5	0.0	0.0	1.5
-Second Judicial District	0.8	2.0	0.0	2.8
-Third Judicial: Anchorage	45.7	0.4	-39.8	6.3
-Third JD: Outside Anchorage	4.8	0.4	-14.1	-8.9
-Fourth Judicial District	19.2	0.0	-15.5	3.7
-Criminal Justice Litigation	21.3	0.0	-19.8	1.5
-Criminal Appeals/Special Lit	96.7	-1.1	-93.2	2.4
<b>Proposed budget increases:</b>				
-First Judicial District	277.3	0.0	0.0	277.3
-Second Judicial District	181.1	12.3	0.0	193.4
-Third Judicial: Anchorage	666.1	44.5	40.3	750.9
-Third JD: Outside Anchorage	634.3	52.6	14.3	701.2
-Fourth Judicial District	598.5	0.0	15.5	614.0
-Criminal Justice Litigation	227.2	0.0	20.1	247.3
-Criminal Appeals/Special Lit	495.2	146.7	94.0	735.9
<b>FY2008 Governor</b>	<b>23,663.3</b>	<b>2,891.5</b>	<b>1,976.8</b>	<b>28,531.6</b>